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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,883	08/06/2003	Robert Right	87319.4340	7536

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BAKER & HOSTETLER LLP
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EXAMINER

BLOUNT, ERIC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,883

Applicant(s)

RIGHT ET AL.

Examiner

Eric M. Blount

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8-12, 16, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Adelman et al [U.S. Patent No. 5451929].

Regarding **claims 1, 10, 16, and 21**, Adelman discloses a device for detecting an ambient condition comprising a first sensor to determine the presence of a condition, and provide an alarm signal; an airflow monitor that monitors airflow level and provides an airflow signal (column 2, line 52 – 65); and a processor that provides a status message indicative of the state of the alarm signal and the airflow signal (column 2, line 65 – column 3, line 2). Adelman discloses that the smoke detector and the airflow monitor are both capable of providing signals to an alarm generator and different alarms are generated in response to the two conditions. The resulting alarm is a status message indicative of the state of each of the signals. It is inherent that processing is used to discriminate between the signals received at the alarm generator and to make a decision as to which alarm should be generated. Further, processing means a provided for calculating reference values for the detectors (column 3, lines 3-8).

As for **claim 8**, Adelman discloses that the first sensor may be a carbon monoxide gas sensor (column 2, lines 39-45).

As for **claim 9**, the air filter is capable of contamination (column 2).

Regarding **claim 11**, a processor compares the monitored airflow level to a low airflow threshold and provides an alarm signal indicative of a low airflow level when the monitored airflow level is lower than the threshold (column 3, lines 3-18).

As for **claim 12**, Adelman discloses an embodiment wherein the low airflow threshold may be adjusted (column 7, lines 60-67).

As for **claim 22**, the ambient condition is a smoke condition (column 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-7, 13, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adelman et al as applied to the claims 1 and 16 above.

As for **claims 4-7, 13, and 17-18**, Adelman discloses that any sensor capable of detecting gas or a particulate within the airflow of a system is suitable for the device (column 2, lines 39-45). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to use different types of sensors in different types of environments in order to provide a more efficient and effective device. All of the sensors claimed by the applicant are/were well known in the art.

Regarding **claim 19**, the device is capable of being located in an HVAC duct (column 2, lines 22-26).

As for **claim 13**, it has been noted above that Adelman discloses an adjustable low airflow threshold. It would have been obvious to one of ordinary skill in the art that the threshold could be adjusted to any desired level, even to a level substantially equal to the ambient airflow.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Adelman et al as applied to claim 1 above, and further in view of Ott et al [U.S. Patent No. 5212983].

Regarding **claim 2**, Adelman does not disclose an airflow monitor that uses a thermistor. Ott discloses an airflow monitor adapted to be used with an HVAC duct that includes a thermistor (column 2, lines 38-44). Ott also discloses that it was known in the art to use thermistors for monitoring airflow (column 1, lines 58-68). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that a thermistor taught by Ott could have been used with the system of Adelman as it was well known in the art at the time of invention. The use of a thermistor can be interpreted as a matter of design choice.

6. Claims 3, 14-15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adelman et al as applied to the claims above, and further in view of Wong [U.S. Patent No 6107925].

As for **claims 3, 14, and 20**, Adelman does not disclose a device that includes a second condition sensor. Wong discloses a device that includes two condition sensors that cause an alarm when a condition is detected (column 8, lines 30 – 47). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to combine the system of Wong, which uses two condition sensors, with the device of Adelman because the combination would result in a device for detecting an ambient condition that could sense more than one ambient condition as well as the airflow level through the device. This type of system would be more effective in determining an emergency condition such as fire.

As for **claim 15**, Adelman teaches a device that is capable of being placed in an HVAC duct (column 2, lines 2-26).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Though not used to make rejections, Knox et al, Lentz et al, Hamburger, and Wiemeyer et al all disclosed airflow and/or ambient condition detectors that were useful during the examination of the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
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